

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND**

KLUGMANN, individually and on behalf of all
others similarly situated,

Plaintiff

v.

AMERICAN CAPITAL LTD., MALON
WILKUS and JOHN R. ERICKSON,

Defendants

Civil Action No. 09-cv-00005-PJM

LEHMANN, individually and on behalf of all
others similarly situated,

Plaintiff

v.

AMERICAN CAPITAL LTD., MALON
WILKUS and JOHN R. ERICKSON,

Defendants

Civil Action No. 09-cv-00276-AW

**[PROPOSED] ORDER CONSOLIDATING RELATED ACTIONS; APPOINTING LEAD
PLAINTIFF; AND APPROVING PROPOSED LEAD PLAINTIFF'S CHOICE OF COUNSEL**

Having considered the motion of the American Capital Investor Group to consolidate all related cases, to be appointed Lead Plaintiff, and to approve proposed Lead Plaintiff's choice of counsel (the "Motion"), and all papers in support thereof and in opposition thereto, and oral argument, if any, and good cause appearing therefor:

1. The Motion is hereby granted;
2. The above-captioned Actions are hereby consolidated;
3. The American Capital Investor Group is hereby appointed Lead Plaintiff for the Class pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934, as amended by Section 101(b) of the Private Securities Litigation Reform Act of 1995; and
4. The law firms of Brower Piven, A Professional Corporation, and Izard Nobel LLP are hereby appointed as Co-Lead Counsel for Lead Plaintiff and the Class.

IT IS SO ORDERED.

DATED: _____
UNITED STATES DISTRICT JUDGE